FARAD CONTINUATION SHEET
APPELLATE SIDE
Criminal Application No.2804 of 2004

Office Notes, Office Memoranda Court's or Judge's orders
of Coram, appearance, Court's
orders or directions and
Registrar's orders

Mr.Hanif Solkar for applicants.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE,J.

September 14, 2007.

P.C.

. Heard Mr. Solkar. Perused the application filed by the respondent no.2 - wife before the learned Judicial Magistrate, First Class at Khed in C.C. No.66/2002 on or about 19/12/2003 as well as the order passed by the said Court on that application. The learned Judge of the trial Court noted that the offence punishable under Section 498-A of IPC was not compoundable and the State was not withdrawing from prosecution under Section 321 of Cr.P.C. and, therefore, the application was rejected. It is under these circumstances that this application has been filed praying to

invoke the inherent powers under Section 482 of Cr.P.C. so as to quash the proceedings in C.C. No.66/2002 which came to be filed at the instance of the respondent no.2 - wife. It is clear from her application before the trial Court that the Community Panchayat intervened in the matrimonial dispute and the parties have annulled their marriage by consent. The wife had stated before the trial Court that she desired to withdraw the complaint.

. Hence the application is allowed and Rule is made absolute in terms of prayer clause (a).

(B.H.MARLAPALLE,J.)